

TOWN OF ESSEX
Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, Ct 06426

Petition for a Text Amendment of Zoning Regulations
OR
Petition for a Change to the Town's Zoning Map
PART TWO

Signature of Property Owner(s):
Or Petitioner

ESSEX ZONING COMMISSION

Address:

29 WEST AVE, ESSEX CT

Application #

20-7

Date of Receipt

JULY 9, 2020

The undersigned request a text amendment to the Essex Zoning Regulations.

This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	<input checked="" type="checkbox"/>
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION: A PROPOSAL TO ADD SOME ACCESSORY IMPROVEMENTS AS REQUIRING ZONING PERMITS.

OTHER TEXT, TOO

PROJECT NAME: TEXT AMENDMENT

STREET ADDRESS OF PROPERTY n/a

ASSESSOR'S MAP _____ LOT _____ LOT SIZE _____ DISTRICT _____

APPLICANT Essex Zoning Commission
PHONE _____

APPLICANT'S AGENT (if any) _____
PHONE _____

ENGINEER.SURVEYOR/ARCHITECT _____
PHONE _____

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3) I HERBY TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

AMENDED SEPTEMBER 1, 2007

SECTION 121

ZONING PERMITS

121A. PERMIT REQUIRED. Whether or not a **site plan**, special exception or a variance has been granted therefore, the issuance of a Zoning Permit shall be **issued only after all approved plans and Conditions of Approval have been met and not** before.

121A.1 New Improvements. Commencement of construction, placement, relocation or installation of any improvements, other than an accessory improvement which is neither a building nor a sign;

121A.2. Changes in Improvements. Commencement of enlargement or exterior alteration of any improvement other than an accessory improvement which is neither a building nor a sign;

121A.3. Uses. Commencement of any new nonresidential use of premises including commencement of any continuing nonresidential nonconforming use by a new owner or occupant;

121A.4. Increases in Off-Street Parking and Truck Loading Space Factors. Any increase, with respect to an existing use, of any factor with reference to which off-street parking or truck loading spaces are prescribed in Section 110F;

121A.5. Diminution in Off-Street Parking and Truck Loading Spaces. Any diminution in the size or number of off-street parking spaces or truck loading spaces serving any existing use **provided that the total number of parking spaces is not reduced below the minimum allowed in these regulations.**

121A.6. Lot Line Revisions. All lot line revisions that are not deemed a subdivision or a re-subdivision.

121A.7. Fences, patios, terraces, swimming pools and relocated driveways.

The term "improvement" as used herein includes a swimming pool and any tennis or other surfaced outdoor recreational court facility exceeding 10 square feet in area. Nothing herein shall be construed to require a Zoning Permit for ordinary repairs and maintenance of an existing improvement.

121B. WHO MAY APPLY. An application for a Zoning Permit may be made by:

121B.1. Owner. The owner, or all the joint owners, of the premises to which such application relates;

121B.2. Purchaser. The purchaser, or all the purchasers, under a written contract to purchase the premises provided that the written consent to the grant of such Zoning Permit of the owner, or all the joint owners, of the premises accompanies the application; or

121B.3. Lessee. The owner, or all the joint owners, of a leasehold interest in the premises under a written lease provided that the written consent to the grant of such Zoning Permit of the owner, or all the joint owners, of the premises accompanies the application.

121C. SUBMISSION OF APPLICATION. A complete application shall consist of the application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Each application form and accompanying documents and statements shall be delivered, in triplicate to the Zoning Enforcement Agent. The date of receipt by him of a complete application shall be deemed to be the date of submission of such application.

121D. SUPPORTING INFORMATION. Each application form shall contain or be accompanied by, in writing:

- (1) A site plan showing the tax map lot number or numbers of the land to which such application relates, and
- (2) A complete and comprehensive statement describing the improvement or change and the use made or to be made thereof.
- (3) Identification of adjacent property owners.
- (4) A soil erosion and sediment control plan as described in Section 114.D. hereof. The Zoning Enforcement Agent shall require the posting of a bond, as described in Section 114G., per the bond schedule as amended from time to time, to guarantee implementation and maintenance of said plan. In addition, the Zoning Enforcement Agent may revoke a zoning permit for failure to implement and maintain said plan, or may refuse to approve a building permit or certificate of occupancy as required by Section 8-3(f) of the Connecticut General Statutes.

All new single family houses.	\$2,000.00
Residential additions requiring a foundation over 800 sq. ft. and minor grading for projects under ½ acre on grades in excess of 5%.	\$1,000.00
Grading and earthwork exceeding ½ acre for commercial operations in conjunction with a zoning permit.	\$5,000.00 minimum Plus \$1,000.00 per acre in excess of 5 acres

This requirement is independent of any road or street cut/ROW or driveway bonds.

The bond shall be released on completion of grading and after permanent vegetative growth is established, as determined by the Zoning Enforcement Agent. (Sept. 1, 2007)

Whenever the Zoning Enforcement Agent shall deem it reasonable, necessary or appropriate to a proper disposition of any application, he may require the applicant to submit any one or more of the items of information described in 120C.1 through 120C.7, or other information, in such form as he may prescribe, including a report issued by an attorney admitted to practice law in Connecticut describing the state of the title to the land to which such application relates.

121D.1. Whenever such application relates to premises, located wholly or partially within the Gateway Conservation District, a plan of development setting forth proposed erosion and sedimentation controls under the criteria specified in Section 101C. may be required.

121E. DETERMINATION. The Zoning Enforcement Agent shall grant the application and issue a Zoning Permit if he finds that the proposed improvement or change, and the land upon which it is to be situated, complies with all the pertinent requirements of these Regulations, including any Special Exception or variance granted therefore. He shall deny the application if he:

- (1) is unable, for lack of information, to determine whether or not the proposed improvement or change, and the land upon which it is to be situated, complies with all such pertinent requirements.
- (2) finds that the proposed improvement or change, or the land upon which it is to be situated, does not comply with all such pertinent requirements,
- (3) finds that the land upon which a proposed building is to be situated is within a subdivision, as that term is defined in Section 8-18 of the Connecticut General Statutes as the same may hereafter from time to time be amended, which has not previously been duly approved by the Essex Planning Commission, or
- (4) finds that the proposed use or improvement is or involves a “regulated activity” as that term is defined in the Essex Inland Wetlands and Water Courses Commission as required in said Regulations.

121F. TIME FOR DECISION, NOTICE OF DENIAL. The Zoning Enforcement Agent shall grant or deny an application for a Zoning Permit within 30 days after receipt by him of such application, except that said period may be extended with the consent of the applicant. If such application shall have been neither granted or denied within such period, it shall be considered to have been denied upon the expiration thereof. In the

event of denial, other than by expiration of the period for decision, the Zoning Enforcement Agent shall issue, within five days after his decision, written notice of denial to the applicant either personally or by certified mail. Each Zoning Permit granted shall be embodied in a writing which shall:

- (1) specify the name of the record owner or owners of the premises with respect to which it is granted,
- (2) specify the tax map lot number or numbers of said premises, and
- (3) describe in detail the particular improvement or change authorized. Said writing shall be signed by the Zoning Enforcement Agent.

121G. EXPIRATION OF PERMIT. A Zoning Permit shall expire one year following its issuance if construction shall not have been commenced within said period and shall expire two years following its issuance if construction shall not have been completed within said period. A new permit shall be required to complete construction begun under a permit which has expired.

121H. FEE. The Commission shall require payment of a fee of such amount as it may determine for the processing of applications and inspection of the proposed site and improvements.

121I. NOTIFICATION TO ADJACENT PROPERTY OWNERS. Written notification of issuance of a Zoning Permit shall be mailed on the date of issue of the Zoning Permit to adjacent property owners listed by the applicant on the Zoning Application.

121J. ZONING CERTIFICATE OF COMPLIANCE. If the Zoning Enforcement Agent shall deem it reasonable, necessary, or appropriate to verify that a lot, structure, and/or use is in compliance with the requirements of the Zoning Regulations, he may require the applicant/owner to submit a certified A2 plot plan, prepared by a registered professional engineer or a registered land surveyor licensed to practice in the State of Connecticut.